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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FORTINET, INC.,  
Plaintiff,  
v.  
SOPHOS, INC., et al.,  
Defendants.

Case No. [13-cv-05831-EMC](#) (DMR)

**ORDER DENYING MOTION TO SEAL**

Re: Dkt. No. 137

Fortinet has filed a motion to seal (Docket No. 137) which seeks to file portions of the parties' joint discovery letter (Docket No. 138) under seal. Fortinet notes that it does not claim that the material to be sealed is confidential. However, because Sophos believes the material is confidential, Fortinet brings this motion pursuant to Civil L.R. 79-5(e).

Pursuant to Civil Local Rule 79-5(e), a party must file under seal a document designated as confidential by the opposing party or a document containing information so designated by an opposing party. "Within 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable." Civ. L.R. 79-5(e)(1). "If the Designating Party does not file a responsive declaration as required by subsection 79-5(e)(1) and the Administrative Motion to File Under Seal is denied, the Submitting Party may file the document in the public record no earlier than 4 days, and no later than 10 days, after the motion is denied." Civ. L.R. 79-5(e)(2).

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Sophos has not filed the responsive declaration required by Civil Local Rule 79-5(e)(1) establishing that the material is sealable. Accordingly, Fortinet's motion to seal is **DENIED**.

## **IT IS SO ORDERED.**

Dated: June 18, 2015

*Dawn*

Donna M. Ryu  
United States Magistrate Judge